

APPEAL,CAP,CAT B

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00498-CJN-1**

Case title: USA v. TAAKE

Magistrate judge case number: 1:21-mj-00534-ZMF

Date Filed: 07/30/2021

Assigned to: Judge Carl J. Nichols

Defendant (1)

ANDREW QUENTIN TAAKE

represented by **Michael E. Lawlor**
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ATTORNEY TO BE NOTICED
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Pending Counts

18:231(a)(3); CIVIL DISORDER; Civil
Disorder
(1)

18 U.S.C. 231(a)(3); CIVIL DISORDER;
Civil Disorder
(1s)

18:1512(c)(2) and 2; TAMPERING WITH
A WITNESS, VICTIM OR

Disposition

INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting
(2)

18:111(a)(1) and (b);
ASSAULTING/RESISTING/IMPEDING OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon
(3–4)

18 U.S.C. 111(a)(1) and (b);
ASSAULTING/RESISTING/IMPEDING OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon
(3s–4s)

18:1752(a)(1) and (b)(1)(A);
TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon
(5)

18 U.S.C. 1752(a)(1) and (b)(1)(A);
TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon
(5s)

18:1752(a)(2) and (b)(1)(A);
TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon
(6)

18 U.S.C. 1752(a)(2) and (b)(1)(A);
TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon
(6s)

18:1752(a)(4) and (b)(1)(A);
TEMPORARY RESIDENCE OF THE PRESIDENT; Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon
(7)

18 U.S.C. 1752(a)(4) and (b)(1)(A);
TEMPORARY RESIDENCE OF THE
PRESIDENT; Engaging in Physical
Violence in a Restricted Building or
Grounds with a Deadly or Dangerous
Weapon
(7s)

40:5104(e)(2)(D); VIOLENT ENTRY
AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Disorderly
Conduct in a Capitol Building
(8)

40 U.S.C. 5104(e)(2)(D); VIOLENT
ENTRY AND DISORDERLY CONDUCT
ON CAPITOL GROUNDS; Disorderly
Conduct in a Capitol Building
(8s)

40:5104(e)(2)(E); VIOLENT ENTRY
AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Impeding Passage
Through the Capitol Grounds or Buildings
(9)

40 U.S.C. 5104(e)(2)(E); VIOLENT
ENTRY AND DISORDERLY CONDUCT
ON CAPITOL GROUNDS; Impeding
Passage Through the Capitol Grounds or
Buildings
(9s)

40:5104(e)(2)(F); VIOLENT ENTRY
AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Act of Physical
Violence in the Capitol Grounds or
Buildings
(10)

40 U.S.C. 5104(e)(2)(F); VIOLENT
ENTRY AND DISORDERLY CONDUCT
ON CAPITOL GROUNDS; Act of
Physical Violence in a Capitol Grounds or
Buildings
(10s)

40:5104(e)(2)(G); VIOLENT ENTRY
AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Parading,
Demonstrating, or Picketing in a Capitol
Building
(11)

40 U.S.C. 5104(e)(2)(G); VIOLENT
ENTRY AND DISORDERLY CONDUCT

ON CAPITOL GROUNDS; Parading,
Demonstrating, or Picketing in a Capitol
Building
(11s)

Highest Offense Level (Opening)

Felony

Terminated Counts

18 U.S.C. 1512(c)(2) and 2; TAMPERING
WITH A WITNESS, VICTIM OR
INFORMANT; Obstruction of an Official
Proceeding and Aiding and Abetting
(2s)

Disposition

Highest Offense Level (Terminated)

Felony

Complaints

COMPLAINT in Violation of
18:1512(c)(2), 18:111(a)(1) and (b),
18:231(a)(3), 18:1752(a)(1),(2) and (4),
40:5104(e)(2)(D)(E)(F)and (G)

Disposition

Plaintiff

USA

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TERMINATED: 05/07/2022

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Date Filed	#	Page	Docket Text
07/21/2021	<u>1</u>		SEALED COMPLAINT as to ANDREW QUENTIN TAAKE (1). (Attachments: # <u>1</u> Statement of Facts) (bb) Modified on 7/23/2021 (bb). [1:21-mj-00534-ZMF] (Entered: 07/22/2021)
07/21/2021	<u>3</u>		MOTION to Seal Case by USA as to ANDREW QUENTIN TAAKE. (Attachments: # <u>1</u> Text of Proposed Order)(bb) Modified on 7/23/2021 (bb). [1:21-mj-00534-ZMF] (Entered: 07/22/2021)
07/21/2021	<u>4</u>		ORDER granting <u>3</u> Motion to Seal Case as to ANDREW QUENTIN TAAKE (1). Signed by Magistrate Judge Zia M. Faruqui on 7/21/2021. (bb) Modified on 7/23/2021 (bb). [1:21-mj-00534-ZMF] (Entered: 07/22/2021)
07/23/2021	<u>5</u>		Arrest Warrant Returned Executed on 7/23/2021 in Houston, TX as to ANDREW QUENTIN TAAKE. (bb) [1:21-mj-00534-ZMF] (Entered: 07/27/2021)
07/23/2021			Arrest of ANDREW QUENTIN TAAKE in Texas. (bb) [1:21-mj-00534-ZMF] (Entered: 07/27/2021)
07/23/2021			Case unsealed as to ANDREW QUENTIN TAAKE (bb) [1:21-mj-00534-ZMF] (Entered: 07/27/2021)
07/30/2021	<u>6</u>		INDICTMENT as to ANDREW QUENTIN TAAKE (1) count(s) 1, 2, 3-4, 5, 6, 7, 8, 9, 10, 11. (zstd) (Entered: 08/01/2021)
08/05/2021	<u>9</u>		NOTICE OF ATTORNEY APPEARANCE: Michael E. Lawlor appearing for ANDREW QUENTIN TAAKE (Lawlor, Michael) (Entered: 08/05/2021)
08/05/2021	<u>10</u>		NOTICE of Filing – Discovery Letter by ANDREW QUENTIN TAAKE (Attachments: # <u>1</u> Supplement Discovery Letter)(Lawlor, Michael) (Entered: 08/05/2021)
08/05/2021	<u>11</u>		Appearance Pro Bono by Nicholas George Madiou on behalf of ANDREW QUENTIN TAAKE (Madiou, Nicholas) (Entered: 08/05/2021)
08/11/2021			MINUTE ORDER as to ANDREW QUENTIN TAAKE (1). The Court has been advised that ANDREW QUENTIN TAAKE (1) was held without bond pending trial by a magistrate judge in the Southern District of Texas and was ordered committed to the District of Columbia. Upon review of the docket in this jurisdiction, the docket in the jurisdiction of arrest, and after consultation with counsel where necessary, the Court has confirmed that: Defendant has had a full Rule 5 initial appearance in the jurisdiction of arrest; Defendant has been

		found eligible for court-appointed counsel by a magistrate judge in the District of Columbia and the Office of the Federal Public Defender for the District of Columbia is locating counsel to represent him; and Defendant has been charged by Indictment. As such, there are no matters necessitating action by a magistrate judge that will need to be addressed upon Defendant's arrival in the local jurisdiction. The parties are therefore directed to contact the assigned District Judge to schedule a status hearing and arraignment, if one has not yet been set. The parties are instructed to address any requests to toll the Speedy Trial Act to the assigned District Judge. Signed by Magistrate Judge Robin M. Meriweather on 8/11/2021. (zpt) (Entered: 08/12/2021)
09/23/2021		Set/Reset Hearings as to ANDREW QUENTIN TAAKE: Arraignment / Status Conference set for 10/6/2021 at 02:00 PM in Courtroom 19- In Person before Judge Carl J. Nichols. (zcal) (Entered: 09/23/2021)
09/23/2021		Set/Reset Hearings as to ANDREW QUENTIN TAAKE: Arraignment / Status Conference RESET for 10/6/2021 at 01:30 PM in Courtroom 19- In Person before Judge Carl J. Nichols. Note time change. (zcal) (Entered: 09/23/2021)
10/05/2021	<u>12</u>	Unopposed MOTION for Protective Order by USA as to ANDREW QUENTIN TAAKE. (Attachments: # <u>1</u> Text of Proposed Order)(Hill, Laura) (Entered: 10/05/2021)
10/06/2021	<u>13</u>	Protective Order. Upon consideration of the United States' <u>12</u> Unopposed Motion for Protective Order, the motion is hereby GRANTED. Signed by Judge Carl J. Nichols on October 6, 2021. (lccjn3) (Entered: 10/06/2021)
10/06/2021		Minute Entry for proceedings held before Judge Carl J. Nichols: Initial Appearance/ Status Conference / Arraignment as to ANDREW QUENTIN TAAKE (1): Count 1,2,3-4,5,6,7,8,9,10,11 held on 10/6/2021. NOT GUILTY Plea as to all counts. Speedy Trial as to ANDREW QUENTIN TAAKE is Excluded from 10/6/2021 to 12/7/2021, in the Interest of Justice, XT. Protective Order to be issued by the Court. Status Conference set for 12/7/2021 at 02:00 PM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant Committed/ Commitment Issued; Court Reporter: Lorraine Herman; Defense Attorney: Michael Lawlor; US Attorney: Laura Hill. (zcal) (Entered: 10/06/2021)
10/08/2021	<u>14</u>	NOTICE of Filing by USA as to ANDREW QUENTIN TAAKE (Attachments: # <u>1</u> Notice to Counsel/Party, # <u>2</u> Exhibit, # <u>3</u> Notice to Counsel/Party, # <u>4</u> Notice to Counsel/Party)(Hill, Laura) Modified text on 10/11/2021 (zstd). (Entered: 10/08/2021)
10/22/2021	<u>15</u>	MOTION for Order to Disclose 6(e) Protected and Sealed Materials by USA as to ANDREW QUENTIN TAAKE. (Attachments: # <u>1</u> Text of Proposed Order)(Hill, Laura) Modified event on 10/22/2021 (zstd). (Entered: 10/22/2021)
10/22/2021	<u>16</u>	NOTICE re: Status of Discovery by USA as to ANDREW QUENTIN TAAKE (Hill, Laura) (Entered: 10/22/2021)
10/26/2021		MINUTE ORDER. Upon consideration of the United States' <u>15</u> Motion for an Order to Disclose, it is hereby ORDERED that the Motion is GRANTED. The United States may provide discovery materials protected by Federal Rule of Criminal Procedure 6(e). It is further ORDERED that the United States may provide in discovery sealed materials, pursuant to the previously entered

		protective order governing discovery. This Minute Order applies to the disclosure of materials described above to any co-defendants who may later be joined. Signed by Judge Carl J. Nichols on October 26, 2021. (lccjn3) (Entered: 10/26/2021)
10/29/2021	<u>17</u>	SUPERSEDING INDICTMENT as to ANDREW QUENTIN TAAKE (1) count(s) 1s, 2s, 3s-4s, 5s, 6s, 7s, 8s, 9s, 10s, 11s. (zltf) (Entered: 11/01/2021)
11/09/2021	<u>19</u>	NOTICE <i>Regarding Status of Discovery as of November 5, 2021</i> by USA as to ANDREW QUENTIN TAAKE (Hill, Laura) (Entered: 11/09/2021)
12/07/2021		Minute Entry for proceedings held before Judge Carl J. Nichols: VTC Arraignment/Status Conference as to ANDREW QUENTIN TAAKE (1) as to Count 1s, 2s, 3s, 4s, 5s, 6s, 7s, 8s, 9s, 10s, and 11s held on 12/7/2021. Defendant appeared by video. Plea of NOT GUILTY entered as to ALL counts. Speedy Trial Excludable (XT) started 12/7/2021 through 2/8/2022, in the interest of justice. VTC Hearing set for 12/14/2021 at 3:30 PM before Judge Carl J. Nichols. VTC Status Conference set for 2/8/2022 at 2:00 PM before Judge Carl J. Nichols. Bond Status of Defendant: Remains Committed; Court Reporter: Lorraine Herman; Defense Attorney: Michael E. Lawlor; US Attorney: Laura Elizabeth Hill. (zkh) (Entered: 12/07/2021)
12/14/2021		Minute Entry for proceedings held before Judge Carl J. Nichols: Video Status Conference as to ANDREW QUENTIN TAAKE held on 12/14/2021. Medical/Mental Health Alert issued to the Department of Corrections Medical Unit as to ANDREW QUENTIN TAAKE. Bond Status of Defendant: Defendant remains Committed; Court Reporter: Lorraine Herman; Defense Attorney: Michael Lawlor; US Attorney: Laura Hill. (zcal) (Entered: 12/14/2021)
12/21/2021	<u>20</u>	Rule 5(c)(3) Documents Received as to ANDREW QUENTIN TAAKE from US District Court Southern District of Texas Houston Division Case Number 4:21-mj-1612 (bb) (Entered: 12/21/2021)
02/08/2022		Minute Entry for proceedings held before Judge Carl J. Nichols: Video Status Conference as to ANDREW QUENTIN TAAKE held on 2/8/2022. Speedy Trial as to ANDREW QUENTIN TAAKE is Excluded from 2/8/2022 to 4/1/2022, in the Interest of Justice, XT. Status Conference set for 4/1/2022 at 11:30 AM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains Committed; Court Reporter: Lorraine Herman; Defense Attorney: Michael Lawlor; US Attorney: Laura Hill. (zcal) (Entered: 02/08/2022)
03/25/2022	<u>21</u>	Consent MOTION to Continue <i>Status Conference and Exclusion of Time from Calculation Under the Speedy Trial Act</i> by ANDREW QUENTIN TAAKE. (Attachments: # <u>1</u> Text of Proposed Order)(Lawlor, Michael) (Entered: 03/25/2022)
03/25/2022	22	MOTION to Exclude by ANDREW QUENTIN TAAKE. (See docket entry <u>21</u> to view document.) (zstd) (Entered: 03/28/2022)
03/31/2022		MINUTE ORDER as to ANDREW QUENTIN TAAKE (1). Upon consideration of Defendant's <u>21</u> Consent Motion to Continue Status Conference and Exclusion of Time from Calculation under the Speedy Trial Act, it is hereby ORDERED that the Consent Motion is GRANTED. The status

		conference scheduled for Friday, April 1, 2022 at 11:30 am is hereby CONTINUED to April 8, 2022 at 10:00 am. Signed by Judge Carl J. Nichols on March 31, 2022. (lccjn3) (Entered: 03/31/2022)
04/08/2022		Minute Entry for proceedings held before Judge Carl J. Nichols: Video Status Conference as to ANDREW QUENTIN TAAKE held on 4/8/2022. Speedy Trial as to ANDREW QUENTIN TAAKE is Excluded from 4/1/2022 to 5/20/2022, in the Interest of Justice, XT. Defense Status Report due by 4/19/2022. Status Conference set for 5/20/2022 at 10:00 AM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains Committed; Court Reporter: Lorraine Herman; Defense Attorney: Michael Lawlor; US Attorney: Laura Hill. (zcal) (Entered: 04/08/2022)
04/08/2022	<u>23</u>	NOTICE OF ATTORNEY APPEARANCE Barry Kent Disney, I appearing for USA. (Disney, Barry) (Entered: 04/08/2022)
05/06/2022		MINUTE ORDER as to ANDREW QUENTIN TAAKE. It is hereby ORDERED that the status conference set in this matter for May 20, 2022, at 10:00 am is hereby RESCHEDULED to May 11, 2022, at 10:00 am. The status conference will take place via videoconference. Signed by Judge Carl J. Nichols on May 6, 2022. (lccjn3) (Entered: 05/06/2022)
05/06/2022		Set/Reset Hearings as to ANDREW QUENTIN TAAKE: Status Conference RESET for 5/11/2022 at 10:00 AM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) (Entered: 05/06/2022)
05/07/2022	<u>24</u>	NOTICE OF WITHDRAWAL OF APPEARANCE by USA as to ANDREW QUENTIN TAAKE (Hill, Laura) (Entered: 05/07/2022)
05/10/2022	<u>25</u>	MOTION for Appropriate Relief – Request to Transfer to DC Department of Corrections or Facility Closer to the District of Columbia by ANDREW QUENTIN TAAKE. (Attachments: # <u>1</u> Text of Proposed Order)(Lawlor, Michael) (Entered: 05/10/2022)
05/11/2022		Minute Entry for proceedings held before Judge Carl J. Nichols: Video Status Conference as to ANDREW QUENTIN TAAKE held on 5/11/2022. Speedy Trial as to ANDREW QUENTIN TAAKE is Excluded from 5/11/2022 to 6/16/2022, in the Interest of Justice, XT. Government Response due by 5/13/2022. Defense Reply due by 5/17/2022. Status Conference set for 6/16/2022 at 11:00 AM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains Committed; Court Reporter: Lorraine Herman; Defense Attorney: Michael Lawlor; US Attorney: Barry Disney, I. (zcal) (Entered: 05/11/2022)
05/11/2022	<u>26</u>	RESPONSE by USA as to ANDREW QUENTIN TAAKE re <u>25</u> MOTION for Appropriate Relief – Request to Transfer to DC Department of Corrections or Facility Closer to the District of Columbia (Disney, Barry) (Entered: 05/11/2022)
06/15/2022		Set/Reset Hearings as to ANDREW QUENTIN TAAKE: Status Conference RESET for 7/7/2022 at 02:00 PM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) (Entered: 06/15/2022)
07/07/2022		

		Minute Entry for proceedings held before Judge Carl J. Nichols: Video Status Conference as to ANDREW QUENTIN TAAKE held on 7/7/2022. Speedy Trial as to ANDREW QUENTIN TAAKE is Excluded from 7/7/2022 to 9/23/2022, in the Interest of Justice, XT. Meet and Confer by 7/13/2022. Defense Motion due by 7/15/2022. Government Response due by 7/29/2022. Defense Reply due by 8/5/2022. Further Orders to be issued by the Court. Status Conference set for 9/23/2022 at 03:00 PM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains Committed; Court Reporter: Lorraine Herman; Defense Attorney: Michael Lawlor; US Attorney: Barry Disney, I. (zcal) (Entered: 07/07/2022)
07/07/2022	<u>28</u>	ORDER as to ANDREW QUENTIN TAAKE. Signed by Judge Carl J. Nichols on July 7, 2022. (lccjn3) (Entered: 07/07/2022)
07/15/2022	<u>29</u>	MOTION to Dismiss Count <i>Two of the First Superseding Indictment</i> by ANDREW QUENTIN TAAKE. (Lawlor, Michael) (Entered: 07/15/2022)
07/25/2022	<u>31</u>	Supplement <u>29</u> Motion to Dismiss Count Two of the First Superseding Indictment by ANDREW QUENTIN TAAKE. (Lawlor, Michael) Modified to add link on 7/25/2022 (zstd). (Entered: 07/25/2022)
08/04/2022	<u>32</u>	MOTION for Extension of Time to File Response/Reply to <u>29</u> MOTION to Dismiss Count <i>Two of the First Superseding Indictment</i> , <u>31</u> MOTION Supplement to Motion to Dismiss Count Two of the First Superseding Indictment by USA as to ANDREW QUENTIN TAAKE. (Disney, Barry) Modified Text on 8/4/2022 (zhsj). (Entered: 08/04/2022)
08/08/2022	<u>33</u>	RESPONSE by USA as to ANDREW QUENTIN TAAKE re <u>29</u> MOTION to Dismiss Count <i>Two of the First Superseding Indictment</i> (Disney, Barry) (Entered: 08/08/2022)
08/08/2022	<u>34</u>	RESPONSE by USA as to ANDREW QUENTIN TAAKE re <u>31</u> MOTION Supplement to Motion to Dismiss Count Two of the First Superseding Indictment (Disney, Barry) (Entered: 08/08/2022)
08/15/2022		MINUTE ORDER as to ANDREW QUENTIN TAAKE. Upon consideration of the government's <u>32</u> Motion to Extend Deadline, it is hereby ORDERED that the Motion is GRANTED. The <u>33</u> and <u>34</u> Responses are deemed timely filed. Signed by Judge Carl J. Nichols on August 15, 2022. (lccjn3) (Entered: 08/15/2022)
08/18/2022	<u>35</u>	NOTICE <i>Protective Order Governing Discovery (Signed)</i> by ANDREW QUENTIN TAAKE (Lawlor, Michael) (Entered: 08/18/2022)
09/02/2022	<u>36</u>	ORDER as to ANDREW QUENTIN TAAKE. Signed by Judge Carl J. Nichols on September 2, 2022. (lccjn3) (Entered: 09/02/2022)
09/21/2022		Set/Reset Hearings as to ANDREW QUENTIN TAAKE: Status Conference RESET for 10/4/2022 at 02:00 PM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) (Entered: 09/21/2022)
09/30/2022	<u>37</u>	NOTICE OF ATTORNEY APPEARANCE Elizabeth Harper Danello appearing for USA. (Danello, Elizabeth) (Entered: 09/30/2022)
09/30/2022	<u>38</u>	NOTICE OF APPEAL (Interlocutory) by USA as to ANDREW QUENTIN TAAKE re <u>36</u> Order. Fee Status: No Fee Paid. Parties have been notified.

		(Danello, Elizabeth) (Entered: 09/30/2022)
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United States District Court for the District of Columbia

UNITED STATES OF AMERICA)
)
 vs.) Criminal No. 21-cr-498 (CJN)
)
ANDEREW QUENTIN TAAKE)

NOTICE OF APPEAL

Name and address of appellant: United States of America

Name and address of appellant’s attorney: Elizabeth H. Danello, Assistant US Attorney
 Office of the US Attorney for DC
 601 D Street, NW Room 6.232
 Washington, DC 20253

Offense: 18 USC 231(a)(3); 18 USC 1512(c)(2), 2; 18 USC 111(a)(1),(b); 18 USC 1752(a)(1) , (2), (4), (b)(1)(A); 40 USC 5104(e)(2)(D), (E), (F), (G)

Concise statement of judgment or order, giving date, and any sentence:

Order, entered September 2, 2022, granting Defendant's Motion to Dismiss Count Two of the Superseding Indictment

Name and institution where now confined, if not on bail: Northern Neck Regional Jail, Warsaw, VA

I, the above named appellant, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the above-stated judgment.

September 30, 2022

 DATE

United States of America

 APPELLANT
 Elizabeth H. Danello

 ATTORNEY FOR APPELLANT

GOVT. APPEAL, NO FEE
 CJA, NO FEE
 PAID USDC FEE
 PAID USCA FEE

Does counsel wish to appear on appeal? YES NO
 Has counsel ordered transcripts? YES NO
 Is this appeal pursuant to the 1984 Sentencing Reform Act? YES NO

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

ANDREW QUENTIN TAAKE,

Defendant.

Criminal Action No. 1:21-cr-00498 (CJN)


ORDER

This matter is before the Court on Defendant's Motion to Dismiss Count Two of the Superseding Indictment, ECF No. 29. Upon review of the Motion, its Supplement, ECF No. 31, and the Government's Responses, ECF Nos. 33 and 34, the Motion is granted for the reasons set forth in *United States v. Miller*, No. 21-cr-119 (CJN), --- F. Supp. 3d ---, 2022 WL 823070 (D.D.C. Mar. 7, 2022), and *United States v. Miller*, No. 21-cr-119 (CJN), --- F. Supp. 3d ---, 2022 WL 1718984 (D.D.C. May 27, 2022).

Accordingly, it is

ORDERED that Defendant's Motion to Dismiss Count Two of the Superseding Indictment is **GRANTED**.

DATE: September 2, 2022



CARL J. NICHOLS
United States District Judge